**Practitioner's Docket No. : MPI00-268DV1M** *PATENT*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

22141 U.S. PTO
10/685081
101403

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Hodge, Martin R.

For: 14189, A NOVEL HUMAN KINASE AND USES THEREOF

### 1. Type of Application

This new application is for a(n)

- [ ] Original (nonprovisional)
- [ ] Design
- [ ] Plant
- [x] Divisional.
- [ ] Continuation.
- [ ] Continuation-in-part (C-I-P).

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10***

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. SECTION 1.8(a)**

☐ with sufficient postage as first class mail.

**37 C.F.R. SECTION 1.10***

☒ as "Express Mail Post Office to Addressee" Mailing Label No. EL605932711US

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

**Signature**
Sean Hunziker/Carolyn Willey
*(type or print name of person certifying)*

Date: October 14, 2003

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*"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

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2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. Sections 119(e), 120, or 121)

[x] The new divisional application being transmitted claims the benefit of prior U.S. Application Number 09/641,690 filed August 18, 2000.

3. **Maintenance of Copendency of Prior Application**

**A.** [ ] Extension of time in prior application

**B.** [ ] Conditional Petition for Extension of Time in Prior Application

*(complete this item, if previous item not applicable)*

[ ] A conditional petition for extension of time is being filed in the pending **prior** application.

[ ] **A copy** of the conditional petition filed in the prior application is attached.

4. **Abandonment of Prior Application** *(if applicable)*

[ ] Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

**Notification in Parent Application of This Filing**

[ ] A notification of this divisional is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. **Papers Enclosed**

**Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

74 Pages of Specification, including
- 69 Pages of Description
- 4 Pages of Claims
- 1 Page of Abstract

10 Sheets of Drawings (Figures 1A-4B)

[ ] The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
[x] Formal
[ ] Informal

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**6. Additional Papers Enclosed**

[x] Transmittal of Information Disclosure Statement (3 pages) and Information Disclosure Statement (2 pages) (37 C.F.R. Section 1.98)
[x] Form PTO/SB/08A (1 page) and PTO/SB/08B (3 pages)
[x] Remarks (2 pages)
[x] Statement of Biological Deposit (3 pages) and a copy of the ATCC Deposit Receipt (1 page)
[x] 13 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823) and 4 pages of Submission of "Sequence Listing,"
[ ] Authorization of Attorney(s) to Accept and Follow Instructions from Representative
[ ] Special Comments
[ ] Other

**7. Declaration or Oath (including power of attorney)**

[x] (3 pages) Executed Combined Declaration and Power of Attorney, a copy of which is enclosed.

[ ] Not Enclosed.

**8. Assignment**

[x] (4 pages) The recorded assignment of the invention to Millennium Pharmaceuticals, Inc. a copy of which

[x] is enclosed.
[ ] will follow.

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**9. Fee Calculation** (37 C.F.R. Section 1.16)

**A.** [x] Regular application

| CLAIMS AS FILED | | | | | |
|---|---|---|---|---|---|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 C.F.R. Section 1.16(a) $770.00 |
| Total Claims (37 C.F.R. Section 1.16(c)) | 12 | - 20 = | 0 | $18.00 | $0.00 |
| Independent Claims (37 C.F.R. Section 1.16(b)) | 3 | - 3 = | 0 | $86.00 | $0.00 |
| Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d)) | 0 | $290.00 | | | $0.00 |

**Filing Fee Calculation** **$770.00**

[ ] Amendment canceling extra claims is enclosed.
[ ] Amendment deleting multiple-dependencies is enclosed.
[ ] Fee for extra claims is not being paid at this time.

**Practitioner's Docket No. : MPI00-268M**

**10. Method of Payment of Fees**

[ ] Check in the amount of $_____.

[X] Charge Account No. 501668 in the amount of $770.00
A duplicate of this transmittal is attached.

**11. Authorization to Charge Additional Fees**

[x] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.

[x] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

[x] 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

[ ] 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

[ ] 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).

[ ] 37 C.F.R. Section 1.17 (application processing fees)

[ ] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

**12. Instructions as to Overpayment**

[x] Credit Account No. 501668.

[ ] Refund

**13. Correspondence Address**

Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
75 Sidney Street
Cambridge, MA 02139

**Practitioner's Docket No. : MPI00-268DV1M**

October 14, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By _____

Tracy M. Sioussat, Ph.D.
Registration No. 50,609
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-374-7679
Facsimile - 617-551-8820

[x] **Statement Where No Further Pages Added**

[x] This transmittal ends with this page.

**Practitioner's Docket No. MPI00-268DV1M** *PATENT*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | | |
|---|---|---|---|
| In re application of: | Hodge, Martin R. | | |
| Divisional Application of Application No.: | 09/641,690 | Group No.: | Not Assigned |
| Filed: | Herewith | Examiner: | Not Assigned |
| For: | 14189, A NOVEL HUMAN KINASE AND USES THEREOF | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## REMARKS

Sir:

The application submitted herewith is a divisional application of U.S. Application Serial No. 09/641,690, filed August 18, 2000, to which priority is claimed under 35 U.S.C. Section 120. The related applications paragraph on Page 1 of the specification has been revised to indicate that the present application is a divisional application of U.S. Application Serial No. 09/641,690, filed August 18, 2000.

The specification has been updated with the following changes: Document identifying information at the top of Page 1 of the specification and at the head of subsequent pages has been revised to the present docket number of MPI00-268DV1M. Supplemental document identifying information has been removed from the footer. The line numbers have been removed and replaced by paragraph numbers

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10***

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☐ with sufficient postage as first class mail.

**37 C.F.R. SECTION 1.10***

☑ as "Express Mail Post Office to Addressee" Mailing Label No. (EL605932711US)

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

**Signature**

Sean Hunziker/Carolyn Willey
*(type or print name of person certifying)*

Date: 14 October 2003

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to comply with 37 CFR Section 1.52 (b)(6). Changes to the parent specification made by amendment on June 24, 2002 have been incorporated into the specification filed herewith at paragraphs 10, 37, 53, 58, 63, 67, and 82. Changes to the parent specification made by amendment on January 6, 2003 to correspond with the formal drawings have been incorporated into the specification filed herewith at paragraphs 23, 24, and 25. A hyperlink found in the parent application at page 11, line 29 has been replaced with equivalent information having a real-world location in paragraph 40 of the specification filed herewith. Hyperlinks found in the parent application at page 12, lines 29 and 30 have been deleted from paragraph 42 of the present specification. A reference citation found in the parent application at page 12, lines 27 and 28 has been completed in paragraph 42 of the present specification with publisher information copied from a reference citation found in the parent application at page 27, line 8 (and in the present specification in paragraph 86).

Claims 1-23 on pages 73-77 of the parent application (U.S. application serial no. 09/641,690) as filed, have been omitted. Claims 1-12 are presented for examination on pages 70-73 of the present specification. These claims recite subject matter found in the Group V claims 20-21 in the Restriction Requirement mailed on March 27, 2002 for the parent application. The claims in the present application thus are drawn to methods of identifying compounds which bind to 14189 kinase.

No new matter has been added.

Respectfully submitted,

14 October 2003

MILLENNIUM PHARMACEUTICALS, INC.

By _____

Tracy M. Sioussat, Ph.D.
Registration No. 50,609
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-374-7679
Facsimile - 617-551-8820